IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA
Regular Second Appeal No.603 of 2007.
Date of decision:26.12.2007

Shukru & Others ….**Appellants**

Versus

Smt.Arjnu & Others ….**Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1]

For the Appellants: **Mr.G.R. Palsra, Advocate.**

For the Respondents: **Mr.Ashwani Pathak, Advocate.**

Dev Darshan Sud,J.

CMP(M) No.376 of 2006.

This application has been moved by the appellants with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. This application is disposed of.

RSA No.603 of 2007.

This appeal is being disposed of on a short point. It is not disputed before me that Guman Chand son of late Shri Dagu Ram died on 1.9.2003 when the

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***?

matter was pending before the learned appellate Court. Two other respondents; namely; Smt.Dodu Devi, respondent No.10 and Smt.Narju, respondent No.13, have died when the case was pending before the trial Court. The learned appellate Court held that no abatement takes place because of the death of respondents No.10 and 13 as no relief is claimed against them.

Without entering into the merits of the case, the case is remanded to the District Judge, Mandi for consideration as to whether the death of Guman Chand on 1.9.2003 would result in the abatement of the appeal or not.

Parties will appear before the learned District Judge on **11.1.2008**, who, thereafter, will decide the matter as expeditiously as possible. This appeal is, accordingly, disposed of. There shall be no order as to costs.

All the miscellaneous applications are disposed of.

December 26, 2007 **(Dev Darshan Sud)**
(aks) **Judge.**